

OGC HAS REVIEWED.

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Security of Info & Records

19 April 1955

LS 58/5a

MEMORANDUM FOR: Acting Chief, Communications Security Division

SUBJECT : Cryptographic Clearances

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1. Returned herewith are signed briefing statements from Mr. Houston and [REDACTED]. We appreciate your expeditious action.

2. As a pure technical comment concerning the briefing statement, I would suggest that "Public Law 513" be more specifically identified as you have done on the copy of the Act itself. A mere citation of a public law by number is not, for general legal purposes, considered sufficient since it is possible that each session of Congress could pass a law bearing a similar number. Although in this case, reference to the attached copy of the law would identify Public Law 513, it would be preferable to specifically identify it in the briefing statement.

3. Preliminary discussions with the Department of Justice have resulted in their indicating that a prosecution under Public Law 513, now known as Section 796 of Title 18 of the U. S. Code, could not be brought without reference to Executive Order 10501 which establishes the various categories of classified information. While this is a tentative view of the Department of Justice, with which the undersigned is not in complete agreement, I believe it is true in most cases that wherever cryptographic material would be involved, it would bear one of the established security classifications established under the Executive Order. Those categories stem from and relate to Sections 793 and 794 of Title 18 of the U. S. Code. In view of the above, it is suggested that appropriate reference should be made to Sections 793 and 794 in your briefing statement.

3. If this office can be of any assistance in revising the briefing statement, we shall be pleased to do so upon request.

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[REDACTED]

Deputy General Counsel

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cc:

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